



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Tess Nguyen, Associate Planner *TN*
DATE: September 23, 2008

SUBJECT: ZONING TEXT AMENDMENT NO. 07-004 (HBZSO CHAPTER 218—MIXED USE-TRANSIT CENTER DISTRICT)

APPLICANT: Andrew Nelson/Alex Wong, Amstar/Red Oak Huntington Beach, LLC, 2101 Business Center Drive #230, Irvine CA 92612

LOCATION: Proposed to be available for use by Properties Within One-Quarter Mile Radius of an Established Transit Center (see Attachment No. 5)

STATEMENT OF ISSUE:

- ♦ Zoning Text Amendment No. 07-004 represents a request for the following:
 - To amend the Huntington Beach Zoning and Subdivision Ordinance by adding Chapter 218 to establish the Mixed Use-Transit Center District zoning and development standards.
- ♦ Staff's Recommendation:
Approve Zoning Text Amendment No. 07-004 based upon the following:
 - Consistent with the General Plan Land Use Element designation of Mixed Use that allows for vertically and horizontally integrated housing uses and commercial uses.
 - Facilitates mixed-use development that produces an environment that is both attractive and sustainable by increasing housing options for diverse household types, promoting alternative modes of transportation, creating a local sense of place, reducing infrastructure and maintenance costs, and allowing for more efficient use of land resources.
 - Consistent with good zoning practice and implements the goals of smart growth and sustainable development.

Environmental Impact Report No. 07-004 is being processed concurrently with this entitlement and is addressed under a separate staff report. It is necessary for the Planning Commission to review and act on Environmental Impact Report No. 07-004 prior to action on this entitlement.

RECOMMENDATION:

Motion to: "Approve Zoning Text Amendment No. 07-004 with findings for approval (Attachment No. 1) and forward the draft Ordinance (Attachment No. 3) to the City Council for adoption."

#B-1-b

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

1. “Continue Zoning Text Amendment No. 07-004 and direct staff accordingly.”
2. “Deny Zoning Text Amendment No. 07-004 with findings for denial.”

PROJECT PROPOSAL:

Zoning Text Amendment No. 07-004 represents a request by the applicant to amend the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) by adding Chapter 218 to establish the Mixed Use-Transit Center District zoning and development standards. The key components of the proposed ordinance, as originally proposed by the applicant, are:

- location near a transit center
- minimum lot size of one acre
- maximum floor area ratio (FAR) of 3.0
- residential density of 130 units per acre
- maximum building height of 76 feet
- parking requirements consistent with the HBZSO except for guest parking and for the allowance of compact and tandem parking spaces
- minimum open space of 150 sq. ft. per residential unit

The reason for the request is to establish zoning development standards to facilitate development of The Ripcurl project, also analyzed in EIR No. 07-004, as well as a companion report for General Plan Amendment No. 07-003, Zoning Map Amendment No. 07-001 and Conditional Use Permit No. 07-043. However, the proposed ordinance has applicability beyond The Ripcurl site. The analysis presented below takes this into consideration and evaluates the proposed ordinance on its merits, independent of The Ripcurl project.

ISSUES:

General Plan Conformance:

The proposed Zoning district is consistent with the following goals, objectives, and policies of the City’s General Plan:

A. Air Quality Element

Policy AQ 1.5.1: Encourage residential and commercial growth to occur in and around existing activity centers and transportation corridors in accordance with the Land Use Map (Figure LU-1).

Policy AQ 1.10.1: Continue to require the utilization and installation of energy conservation features in all new construction.

B. Circulation Element

Objective CE 3.2: Encourage new development that promotes and expands the use of transit services.

C. Growth Management Element

Policy GM 3.1.8: Promote traffic reduction strategies including alternate travel modes, alternate work hours, and a decrease of vehicle trips throughout the city.

D. Housing Element

Policy H 2.2: Facilitate the development of mixed-use projects in appropriate commercial areas, including stand-alone residential development (horizontal mixed-use) and housing above ground floor commercial uses (vertical mixed-use). Establish mixed use zoning regulations.

Policy H 3.1: Encourage the production of housing that meets all economic segments of the community, including lower, moderate, and upper income households, to maintain a balanced community.

E. Land Use Element

Goal LU 9: Achieve the development of a range of housing units that provides for the diverse economic, physical, and social needs of existing and future residents of Huntington Beach.

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy LU 11.1.2: Limit commercial uses in mixed-use development projects to those uses that are compatible with the residences.

Policy LU 11.1.4: Require the incorporation of adequate onsite open space and recreational facilities to serve the needs of the residents in mixed-use development projects.

Policy LU 11.1.6: Require that the ground floor of structures that horizontally integrate housing with commercial uses locate commercial uses along the street frontage (housing may be located to the rear and/or on upper floors).

Policy LU 11.1.7: Require that mixed-use development projects be designed to achieve a consistent and high quality character, including the consideration of the:

- a. Visual and physical integration among the commercial and residential uses (Plates LU-3 and LU-4);
- b. Architectural treatment of building elevations to convey the visual character of multiple building volumes and individual storefronts and residential units.

F. Urban Design Element

Goal UD 1.1: Enhance the visual image of the City of Huntington Beach

The proposed zoning text would allow for transit-oriented developments that provide a concentration of living, shopping, entertainment, educational, and employment opportunities within walking distance of a transit hub. These developments would promote the use of transit services as an alternative to reliance on the automobile as the primary mode of transportation. Because these projects are located in close proximity to different activities and uses, they provide opportunities and convenience for many households to use alternate travel modes such as walking and biking to complete their daily routines and run errands.

The proposed zoning text would facilitate development of mixed-use, high-density projects that offer a wide range of housing opportunities and options, accommodating different age groups, income levels, and household types. These developments would promote residential and commercial buildings that are designed to convey a high quality visual image and character and ensure compatibility of these uses. The proposed mix of retail and residential uses of these developments would activate the urban environment and revitalize community life. The zoning regulations under the proposed Mixed Use-Transit Center District would allow for developments that are both attractive and sustainable by increasing housing options for diverse household types, promoting alternative modes of transportation, creating a local sense of place, reducing infrastructure and maintenance costs, and allowing for more efficient use of land resources.

The proposed zoning text would require sustainable or “green” building practices to be incorporated into the design of proposed structures and associated site improvements. Sustainable building practices would include those recommended by the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Program certification or Build It Green’s Green Building Guidelines and Rating Systems.

Zoning Compliance:

This is a new chapter of the HBZSO and adds Chapter 218 to establish Mixed Use-Transit Center District zoning and development standards. As recommended by staff, the new zoning standards would be available to properties within one-quarter mile of an existing transit center. (Note: this would require individual properties to gain approval of a general plan amendment and a zoning map amendment, similar to what the applicant is requesting for The Ripcurl project). The analysis of the standards is provided below.

Public Notification:

Legal notice was published in the Huntington Beach Independent on September 11, 2008, and notices were sent to property owners of record and occupants within a 500 ft. radius of the project site, individuals/organizations requesting notification (Planning Department’s Notification Matrix), applicant, interested parties, and individuals/organizations that commented on the environmental document.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

Zoning Text Amendment: Not Applicable

MANDATORY PROCESSING DATE(S):

Not Applicable

ANALYSIS:

The proposed Zoning Text Amendment involves a request to amend the HBZSO by adding Chapter 218 to establish the Mixed Use-Transit Center District zoning and development standards. The analysis below reviews 1) the overall objectives of allowing mixed use development, 2) the location criteria recommended by staff, and 3) the proposed development standards.

Mixed Use Development

The growing trend towards mixed land use development in Southern California is part of the larger shift in thinking about managing future growth. As the population continues to increase and protecting the environment takes on new importance, smart growth and sustainable development have become more vital as communities consider their futures. Smart growth focuses on sustainable long-term strategies for managing the growth of communities. It is designed to create livable cities, promote economic development, minimize dependence on auto transportation, reduce air pollution, and make infrastructure investments more efficient. The following are smart growth principles:

- mix land uses
- take advantage of compact building design
- create a range of housing opportunities and choices
- create walkable neighborhoods
- foster distinctive, attractive communities with a strong sense of place
- preserve open space, farmland, natural beauty and critical environmental areas
- strengthen and direct development towards existing communities
- provide a variety of transportation choices
- make development decisions predictable, fair and cost-effective
- encourage community and stakeholder collaboration in development decisions

Mixed use development promotes the concepts of smart growth and sustainable communities. The integration of mixed land uses into communities is a critical component of achieving better places to live. Mixed land uses provide a more diverse and sizable population and commercial base for supporting viable alternatives to driving such as walking, biking, and public transportation where it is available or may be provided in the future. By increasing travel options, these developments have the potential to reduce dependence on the automobile.

The key element in creating walkable neighborhoods is to take advantage of compact building design and higher density development. The close proximity of different yet complementary activities and uses provides convenience for many household types and needs, ranging from completing their daily routines to running errands. The streets, public spaces, and pedestrian-oriented retail become places where people meet, attracting pedestrians back onto the streets and revitalizing community life. Higher density

development contributes to a wider range of housing opportunities and options, accommodating different age groups, income levels, and household types. The increased density of mixed use developments allows for more efficient use of land resources by utilizing less land area and reduces infrastructure and maintenance costs by minimizing the need for more roads, water lines, sewer lines, etc. Sustainable development has become more critical in the face of dwindling land and environmental resources. By moving closer to efficient use of existing resources and conserving energy through reduced reliance on the automobile, mixed use developments would ensure that communities continue to thrive.

The City of Huntington Beach has long recognized the importance of Mixed Use as a land use tool to manage growth and stimulate economic activity within specified areas. As early as 1983, the Downtown Specific Plan was envisioned to implement many of the smart growth, mixed use principles discussed above. Moreover, the City of Huntington Beach General Plan currently contains three Mixed Use land use designations, which apply to numerous areas throughout the city, as well as many objectives and policies that are fulfilled by and foster mixed use development. The proposal to develop mixed use development standards is consistent with the General Plan and has been a needed addition to the HBZSO since the General Plan update in 1996 to provide a zoning category consistent with General Plan policies. In addition, the State Department of Housing and Community Development has acknowledged the importance of mixed use in the provision of needed housing in a community, and the City's recently adopted Housing Element contains a program requiring that the City adopt mixed use standards by 2008/2009.

Transit Oriented Development and Location Criteria

The proposed Mixed Use-Transit Center District development standards require proximity to transit. Generally referred to as transit-oriented developments (TODs), they advance smart growth goals by creating mixed use, higher density communities and providing a concentration of living, shopping, entertainment, educational, and employment opportunities within walking distance of transit stations. TOD neighborhoods typically occur within one quarter mile, or a five to seven minute walk, of a transit station but can extend to within a half-mile radius. By requiring high quality urban design and attractive pedestrian connections between uses, TODs create a vibrant sense of place. The benefits of TODs include:

- creating better places to live, work, and play
- reducing dependence on the automobile
- encouraging efficient use of existing land, infrastructure, and services
- promoting transportation alternatives
- lessening pollution and environmental degradation
- providing a variety of housing options

The proposed Mixed Use-Transit Center District is targeted to a very specific area where development could occur with minimal impacts to the predominant character of the city of Huntington Beach and the surrounding area. Consistent with the more restrictive industry "standard" referenced above, staff is recommending that the proposed zoning category only be available for properties within one-quarter mile of an established transit center, after processing a general plan amendment and a zoning map amendment. Currently the Golden West Transportation Center is the only such center in the city. As such, the radius does not extend south of Edinger nor does it extend all the way to Goldenwest Street or Beach Boulevard.

As indicated on the attached map, there are less than 15 commercial sites that would be eligible to use this zoning and a number of these are governed by general plan designations or specific plans that already allow some form of mixed use. Specifically, the one-quarter radius includes portions of the Bella Terra specific plan area, portions of the North Huntington Center specific plan area, and portions of the area proposed to be included in the Beach Edinger Specific Plan that would allow mixed use. In addition, the radius includes part of the Goldenwest College campus. In terms of properties that could more realistically benefit from the zoning category, the radius includes The Ripcurl site, the Levitz site, the redevelopment agency-owned property east of the Transit center, and the commercial property at the northwest corner of Gothard and Edinger. All of these properties are located a reasonable distance from detached single family neighborhoods such that redevelopment of these properties pursuant to the proposed zoning standards would not result in compatibility issues, nor undermine the suburban, and urban, fabric of the city.

The restriction of the proposed Mixed Use-Transit Center District zoning to within one-quarter radius of the existing transit center is consistent with the current planning efforts envisioned for the general area such as the Beach-Edinger Corridor Specific Plan and The Village at Bella Terra proposal. Planned for more intensive growth, the vision of the revitalization efforts is to transform the area into a hub of high-density mixed-use development that fits within its urban context.

Proposed Development Standards

The table below summarizes the development standards of the Mixed Use-Transit Center District proposed by the applicant and recommended by staff. Where staff's recommendation differs from the applicant's submittal, staff's recommendation is shown in **bold text**. The legislative draft (Attachment No. 2) and draft ordinance (Attachment No. 3) contain the entire chapter. The applicant has provided a letter indicating agreement with some of staff's recommended changes (Attachment No. 6).

CHAPTER 218 (New)	Proposed by the Applicant	Recommended by Staff
Minimum Lot Area	43,560 sq. ft.	43,560 sq. ft.
Minimum Lot Width	100 ft.	100 ft.
Setbacks		
Front	5 ft.	5 ft.
Side	5 ft.	10 ft.
Rear	5 ft.	10 ft.
Maximum Height of Structures	76 ft.	80 ft. (a minimum of 2 stories and a maximum of 6 stories)
Maximum Floor Area Ratio (FAR)	3.0	2.5
Minimum Site Landscaping	8%	8%
Minimum Lot Area per Dwelling Unit	335 sq. ft.	--
Minimum Residential Floor Area		
Studio	450 sq. ft.	each dwelling unit shall have a minimum floor area of 450 sq. ft.
One Bedroom	550 sq. ft.	
Two Bedrooms	800 sq. ft.	
Three or More Bedrooms	1000 sq. ft.	

CHAPTER 218 (New)	Proposed by the Applicant	Recommended by Staff
Minimum Open Space Per Residential Unit Private Open Space Minimum Dimension	150 sq. ft. -- 5 ft.	150 sq. ft. 60 sq. ft. 6 ft.
Off-Street Parking and Loading Studio/One Bedroom Two Bedrooms Three or More Bedrooms Guest Parking	1 space per unit 2 spaces per unit 2.5 spaces per unit 1 space per 10 units Compact and tandem spaces shall be allowed. Tandem parking spaces shall be counted as ½ of a space. Not more than 25% of the project parking requirement shall be met by any combination of compact or tandem parking spaces.	1 space per unit 2 spaces per unit 2.5 spaces per unit 1 space per 4 units No compact or tandem spaces shall be allowed.
Building Design Standards	--	1) the maximum building length shall be 300 ft., with exceptions for a 20 foot inset 2) the maximum block size shall be 2,400 feet.
Private Storage Space	--	50 cu. ft. per unit

In reviewing the applicant's proposed Mixed Use-Transit Center District standards, staff compared the proposed zoning and development standards with the current HBZSO and the draft standards being considered for the Beach Edinger Specific Plan (Attachment No. 4). Staff also researched Planning literature and other mixed use ordinances from similar cities in size and development pattern. The major staff recommended modifications are discussed below:

Setbacks

The side and rear setbacks are recommended to be 10 feet instead 5 feet to allow more areas to be utilized for open space or landscaping. In addition, the building bulk and mass would be minimized.

Maximum Height of Structures

The maximum building height is recommended to be 80 feet instead of 76 feet with the requirement that a minimum of 2 stories and a maximum of 6 stories be allowed. The limitation on the number of stories, rather than the building measurement, allows flexibility in the provision of higher ceilings in the building.

Maximum Floor Area Ratio

The maximum floor area ratio is recommended to be 2.5 instead of 3.0, factoring in a mechanism to limit the building bulk and mass.

Minimum Lot Area per Dwelling Unit

No minimum lot area per dwelling unit or density is recommended for this Zoning district. Because this zoning district is intended to facilitate higher densities and more compact mixed use developments, this

allows for more flexibility to design a project that is suitable for the site using development standards such as setbacks, building height, maximum floor area ratio, maximum site coverage, minimum open space, minimum parking requirements, and building design standards, consistent with Form Based Codes, which are often used to implement mixed use development.

Minimum Residential Floor Area

The minimum size of a dwelling unit is recommended to be 450 square feet instead of specifying the minimum size for each of the unit types. This allows the developer flexibility to determine the unit sizes based on the market demand.

Minimum Open Space

The minimum private open space is recommended to be 60 square feet with the minimum dimension of 6 feet. This is consistent with other cities requirements for mixed use projects and ensures an adequate amount of private balcony or patio area.

Off-Street Parking and Loading

The guest parking requirement is recommended to be one space for every 4 units instead of one space for every 10 units. Research of planning literature and other mixed use ordinances from similar cities in size and development pattern show that there is a benefit to reducing the parking requirement for mixed-use projects because of the interplay between the commercial and residential uses. Because of this, the guest parking requirement of one space for every 4 units is appropriate.

No compact or tandem parking spaces are recommended to be allowed. Research of regulations from other cities indicates that compact or tandem are generally not allowed for mixed use projects. In addition, the current HBZSO does not allow compact and tandem parking spaces.

Building Design Standards

The following building design standards are recommended: 1) the maximum building length shall be 300 feet with exceptions for 20 feet building insets; and 2) the maximum block size shall be 2,400 feet. These requirements would minimize the size of the project as well as the building mass and bulk and stem from the draft Beach Edinger Specific Plan.

Private Storage Space

The private storage space requirement is recommended to be 50 cubic feet per unit. Given the size the units, individuals might need extra storage space outside of the units that is enclosed and lockable. Other cities require private storage space for multi-family development.

Summary

The proposed Zoning Text Amendment would implement the policies of the General Plan and the goals of smart growth and sustainable development. The new zoning and development standards would create mixed-use, high density developments that promote the use of transit service, reduce dependence on the automobile, encourage a wide range of housing options, and take advantage of the adjacency of complementary uses in order to build vibrant livable communities. The recommended Mixed Use Transit Center District development standards would facilitate the types of projects to promote the benefits of

transit-oriented development. The requirements for setbacks, height, maximum floor area ratio, and building design would ensure that the bulk and mass of buildings are minimized. The requirements for parking, open space, and unit size would make sure that developments fit within an urban context without impacting the surrounding area. Having no specified density requirements would allow flexibility in designing a compact development within the parameters of applicable development standards. The benefits of transit-oriented developments transcend the form of the built environment and focus on the function of the social environment in creating a sense of place and revitalizing community life. For these reasons, staff recommends the Planning Commission approve Zoning Text Amendment No. 07-004.

ATTACHMENTS:

1. Suggested Findings for Zoning Text Amendment No. 07-004
2. Legislative Draft of Zoning Text Amendment No. 07-004
3. Draft Ordinance for Zoning Text Amendment No. 07-004
4. Comparison Between the Mixed Use Transit Center District, the HBZSO and draft standards for the Beach Edinger Specific Plan
5. Exhibit Showing Properties Within One-Quarter Mile Radius of the Transit Center
6. Letter from Red Oak Investments Regarding Proposed Standards dated September 16, 2008

SH:HF:MBB:TN:lw

ATTACHMENT NO. 1

SUGGESTED FINDINGS

ZONING TEXT AMENDMENT NO. 07-004

SUGGESTED FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 07-004 :

1. Zoning Text Amendment No. 07-004 amends the HBZSO by adding Chapter 218 that establishes the Mixed Use-Transit Center District zoning and development standards. The proposed change will be consistent with the objectives, policies, general land uses and programs specified in the City's General Plan because it fosters mixed use development that is optimally located near existing transit.
2. In the case of general land use provisions, the Zoning Text Amendment is consistent with the uses authorized in, and the standards prescribed for, the zoning district for which they are proposed. The proposed land uses identified in the Mixed Use-Transit Center District land use designation are consistent with the General Plan.
3. A community need is demonstrated for the change proposed. The proposed mixed use-transit center district zoning provides the standards necessary to develop a high quality of mixed use land uses complementing and enhancing surrounding land uses. The existing Commercial General Land Use and Zoning designations do not facilitate the development of mixed-use projects. The mixed use-transit center district land use designation allows for the development of a mixed-use project that produces an environment which is both attractive and sustainable by increasing housing options for diverse household types, promoting alternative modes of transportation, creating a local sense of place, reducing infrastructure and maintenance costs, and allowing for more efficient use of land resources.
4. The adoption of the Mixed Use-Transit Center District zoning is consistent with good zoning practice and was prepared utilizing a comprehensive approach, which included involving the public in numerous public meetings and reviewing the proposed development in terms of potential benefits of this type of development in the larger context of directing future growth. The adoption of this zoning design would implement the goals of smart growth and sustainable development.

LEGISLATIVE DRAFT ORDINANCE—ZTA NO. 07-004

(STAFF RECOMMENDATION)

Chapter 218 Mixed-Use Transit Center District

Sections:

218.02	<u>Mixed-Use</u> Transit Center District Established
218.04	<u>MU</u> -TCD District: Land Use Controls
218.06	<u>MU</u> -TCD District: Development Standards
218.08	Modifications for Affordable Housing
218.10	Affordable Housing <u>Sustainable Development</u>
218.12	Review of Plans

218.02 Mixed-Use Transit Center District Established

~~The TCD Transit Center District is established by this chapter. The purpose of the Mixed-Use Transit Center District is to implement the General Plan Land Use Plan Mixed Use land use designation. This district provides areas for high density mixes of residential and commercial uses near within ¼ mile of established transit centers as determined by the Planning Director. Transit centers, serving buses or other modes of transportation, are facilities where passengers transfer from one route to another. The intent of This district provides for is to encourage the development of pedestrian-friendly, transit oriented development communities in areas of the City adjacent to the necessary existing transit infrastructure. either existing or planned, to support the density with minimal impact on traffic.~~

218.04 MU-TCD District: Land Use Controls

In the following schedules, letter designations are used as follows:

"P" designates use classifications permitted in MU-TCD district.

~~"L" designates use classifications subject to certain limitations prescribed by the "Additional Provisions" that follow.~~

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

"ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to provisions following the schedule or located elsewhere in the Zoning Ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

MU-TCD DISTRICT:	P=Permitted	
LAND USE CONTROLS	L= Limited	
	PC=Conditional Use Permit approved by Planning Commission	
	ZA=Conditional Use Permit approved by Zoning Administrator	
	Land Use Controls	Additional Provisions
Residential Uses		<u>(A)(I)</u>
Single-family Residential	PC	
Multi-family Residential	PC	
<u>Public and Semipublic Uses</u>		<u>(A)</u>
<u>Clubs and Lodges</u>	<u>PZA</u>	
<u>Day Care, General</u>	<u>ZA</u>	
<u>Day Care, Large Family</u>	<u>P</u>	<u>(C)</u>
<u>Government Offices</u>	<u>P</u>	
<u>Public Safety Facilities</u>	<u>P</u>	
<u>Religious Assembly</u>	<u>ZA</u>	
<u>Schools, Public or Private</u>	<u>PC</u>	
Commercial Uses		<u>(A)(H)(I)</u>
Animal Sales & Service	P	
Artists' Studios	P	
Banks and Savings & Loans	P	
Catering Services	P	
Clubs and Lodges	P	
Commercial Recreation and Entertainment	PC	<u>(A)</u>
Community and Human Services	ZA	
Cultural Institutions	PC	
Day Care, General	ZA	
Day Care, Large Family	ZA	
Drug Stores/Pharmacy	P	
Eating and Drinking Establishments	P	
w/ Alcohol	ZA	<u>(B)(C)</u>
w/ Live Entertainment	ZA	<u>(C)(D)</u>
w/ Dancing	PC	<u>(E)</u>
w/ Outdoor Dining	ZA	<u>(C)(F)</u>
Emergency Health Care	ZA	

Food and Beverage Sales	P	
w/ Alcohol Beverage Sales	ZA	(B)
Government Offices	P	
Health and Sports Clubs	P	
Office, Business and Professional	P	
Park and Recreational Facilities	P	
Parking	PC	(H) <u>F</u>
<u>Personal Enrichment Services</u>	<u>P</u>	<u>(C)</u>
Personal Services	P	
Public Safety Facilities	P	
Religious Assembly	ZA	
Retail Sales	P	(I) <u>G</u>
Schools, Public or Private	PC	
Visitor Accommodations	PC	

MU-TCD District: Additional Provisions

~~L-1 — Permitted if the space is 5,000 square feet or less; allowed with Neighborhood Notification pursuant to Chapter 241 if the laboratory space exceeds 5,000 square feet.~~

(A) – ~~See section 230.38: Game Centers; Chapter 5.28: Dance Halls; Chapter 9.24: Card Rooms; Chapter 9.32: Poolrooms and Billiards; and Chapter 9.28: Pinball Machines.~~ All projects in this District shall have both residential and non-residential components. At least 50 percent of the building fronting public streets at the ground level shall be non-residential uses. At least 50 percent of the project shall be residential uses.

(B) – The following businesses proposing to sell alcoholic beverages for on-site or off-site consumption are exempt from the conditional use permit process: (i) Retail markets with no more than 10 percent of the floor area devoted to sales, display and storage of alcoholic beverages provided the sale of alcoholic beverages is not in conjunction with the sale of gasoline or other motor vehicle fuel; ~~(ii) Restaurants, bars and liquor stores located 300 feet or more from any R or PS district, public or private school, church, or public use; and~~ (iii) (ii) Florist shops offering the sale of a bottle of an alcoholic beverage together with a floral arrangement.

(C) – Neighborhood notification requirements pursuant to Chapter 241.

~~(D) — Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit.~~

~~(E) — For teen dancing facilities, bicycle racks or a special bicycle parking area shall be provided. These may not obstruct either the public sidewalk or the building entry. See also Chapter 5.28: Dancing Halls and Chapter 5.44: Restaurants – Amusement and Entertainment Premises. and Chapter 5.70: Adult Entertainment Businesses.~~

~~(F)~~ – Outdoor dining with alcohol sales shall be permitted with a conditional use permit to the Zoning Administrator. Outdoor dining without alcohol sales that is 400 square feet or less shall be permitted with an administrative ~~out a conditional use~~ permit. If over 400 square feet with no alcohol sales, Neighborhood Notification shall be required pursuant to Chapter 241.

~~(G) – Only permitted on a major arterial street, and a passive or active outdoor recreational amenity shall be provided.~~

~~(H)~~ – Stand-alone or other permanent parking structures not ancillary to the permitted uses listed above. Must demonstrate necessity of use and comply with the requirements in Section 231.18-G (Parking Structures).

~~(I)~~ – See Section 230.94: Carts and Kiosks

(H) – Development of vacant land or additions of 10,000 square feet or more in building floor area; or additions equal to or greater than 50% of the existing building's floor area requires approval of a conditional use permit from the Zoning Administrator. The Planning Director may refer any proposed project to the Zoning Administrator if the proposed project has the potential to impact residents or tenants in the vicinity (e.g. increased noise, traffic).

(I) – Projects within 500 feet of a PS District see Chapter 244.

218.06 MU-TCD District: Property Development Standards

The following schedule prescribes development standards for MU-TCD zoning district designated on the zoning map. The first column establishes the basic requirements for permitted and conditional uses. Letters in parentheses in the "Additional Provisions" column refer to "Additional Development Standards" following the schedule.

~~In calculating the number of units permitted on the site density is calculated on the basis of net lot area. Fractional numbers shall be rounded down to the nearest whole number, except that one dwelling unit may be allowed on a legally created lot complying with minimum lot area. In calculating the maximum gross floor area as defined in Chapter 203 The floor area ratio is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number. All required setbacks shall be measured from ultimate right-of-way and in accordance with the definitions set forth in Chapter 203, Definitions.~~

~~Any new parcel created pursuant to Title 25, Subdivisions, shall comply with the minimum building site requirements of the district in which the parcel is located unless approved as a part of a Planned Unit Development.~~

Property Development Standards for MU-TCD District

	<u>MU</u> -TCD	Additional Requirements
Minimum Lot Area (sq. ft.)	43,560	
Minimum Lot Width (ft.)	100	
Minimum Setbacks		
Front (ft.)	5	(A)(B)
Side (ft.)	5 <u>10</u>	(B)(C)(D)(E)(F)
Rear (ft.)	5 <u>10</u>	(B)(C)(F)
Maximum Height of Structures (ft.)	76 <u>80</u>	(G)(C)
Maximum Wall Dimensions		(H)(D)
Maximum Floor Area Ratio (FAR)	3.0 <u>2.5</u>	
Minimum Site Landscaping (%)	8	(I)(J)(E)(F)
Minimum Lot Area per Dwelling Unit (sq. ft.)	335 -	
Minimum <u>Residential</u> Floor Area		(O) (I)
Maximum Lot Coverage (%)	75	
Minimum Open Space		(P) (J)
Accessibility within Dwellings		(Q) (K)
Lighting		(R) (L)
Fences and Walls		(K)(L) (G)
Off-Street Parking and Loading	<u>See Chapter 231</u>	(M)(N) (H)
Outdoor Facilities	See Section 230.74	(S)
Screening of Mechanical Equipment	See Section 230.76	(S)
Antenna	See Section 230.80	(M)
Off-Street Parking and Loading	See Chapter 231	(N)
Accessory Structures	See Chapter 230.08	
Refuse Storage Areas	See Section 230.78	
Underground Utilities	See Chapter 17.64	
Performance Standards	See Section 230.82	
Nonconforming Structures	See Chapter 236	
Signs	See Chapter 233	(T) (N)
Courts Building Separations		(U) (O)
<u>Building Design Standards</u>		(P)
<u>Private Storage Space</u>		(Q)

MU-TCD District: Additional Development Standards

- (A) ~~Double~~ Multiple street frontage lots shall provide front yards on each frontage.
- (B) Projections into Setbacks
 (1) See Section 230.68: Building Projections into Yards.

- (2) Balconies and bay windows may project into required setbacks and usable open space areas subject to Section 230.68, provided that balconies have open railings, glass, or architectural details with openings to reduce visible bulk. Balconies composed solely of solid enclosures are not allowed to project into required setbacks.
- (3) Awnings, canopies, covered walkways, covered patios, and covered arcades with no programmed indoor space may project into required setbacks and usable open space areas provided that a minimum 5 ft. setback is maintained to the property line.

(C) ~~Along a side or rear property line abutting residential uses, a 10-foot setback is required.~~

(D) Interior Side Setback

- (1) ~~In the TCD District, interior side setbacks shall be a minimum of 5 feet, except as stated below.~~

(E) Street Side Setbacks. ~~In the TCD District, the street side yard shall be the same as the front setback.~~

(F) Zero Side or Rear Setback.

- (1) ~~A zero interior side setback may be permitted provided that the opposite side setback on the same lot is not less than 5 feet, and shall be subject to the requirements listed in subsection (3) below.~~
- (2) ~~A zero rear setback may be permitted provided that the opposite rear setback for the adjacent lot is either zero or a minimum of 10 feet, and subject to the requirements listed in subsection (3) below.~~
- (3) ~~A zero side or rear setback may be permitted subject to the following requirements:~~
 - (a) ~~The lot adjacent to the zero side or rear setback shall either be held under the same ownership at the time of application, or a deed restriction or agreement approved as to form by the City Attorney shall be recorded giving written consent of the adjacent property owner.~~
 - (b) ~~A maintenance easement, approved as to form by the City Attorney, shall be recorded between the property owner and the owner of the adjacent lot to which access is required in order to maintain and repair a zero lot line structure. Such easement shall be an irrevocable covenant running with the land. No building permits shall be issued until such recorded maintenance easement has been submitted.~~
 - (c) ~~Separation between the proposed structure and any structure on an adjacent lot shall either be zero or a minimum of 5 feet.~~
 - (d) ~~No portion of the dwelling or any architectural features shall project over the property line.~~
 - (e) ~~The zero setback shall not be adjacent to a public or private right-of-way.~~
 - (f) ~~Exposure protection between structures shall be provided as specified by the Fire Department and Building Division.~~

- (GC) Height Requirements. See Section 230.70: Measurement of Height and Section 230.72: Exceptions to Height Limits. A minimum of two stories and a maximum of six stories shall be allowed.
- (HD) Maximum Wall Dimensions. ~~All building a front or street side wall surfaces~~ shall be no longer than 250 feet without either:
- (1) a break, a recess or offset measuring at least 10 feet that vary the depth of the building wall by a minimum of 4 feet, or
 - (2) a series of offsets, projections or recesses, including balconies, at intervals of not more than 40 feet that vary the depth of the building wall by a minimum of 4 feet.
- The Director may grant exceptions or allow these standards to be modified for exceptional or unique structures subject to Design Review, Chapter 244.
- (IE) Planting Areas: With the exception of sidewalks, driveways, pathways and paved outdoor seating areas, required front and street side yards shall be planting areas.
- (JE) Landscape Improvements
- (1) All landscape improvements shall comply with Chapter 232 unless otherwise provided herein. ~~For sites in the TCD District, planting on rooftops, podium areas, or porches, as well as any hardscape elements, shall be considered landscaping, in addition to the items listed under Section 203.06.~~
 - (2) General Tree Requirements. One 36-inch box tree shall be provided for every 45 lineal feet of street frontage planted within the setback areas adjacent to a street. In addition, there shall be one 36-inch box tree planted within the common open space areas for each ground or first level unit. Specimen palms may be substituted at a ratio of 1/2 foot brown trunk height for one inch of box tree inch required.
- (KG) See Section 230.88: Fencing and Yards.
- (L) ~~See Chapter 231: Off-street Parking and Loading. The Planning Commission or Zoning Administrator may grant a reduction in the total number of required spaces when the applicant can demonstrate that the various uses have divergent needs in terms of daytime versus nighttime hours or weekday versus weekend hours.~~
- (MH) Off-Street Parking and Loading Provisions.
- (1) ~~The requirements of Chapter 231 shall be modified such that sites in the TCD District shall only be required to provide~~ All off street parking and loading provisions shall comply with Chapter 231 unless otherwise provided herein. Off-street parking spaces shall be provided in accordance with the following Schedule A:

OFF-STREET PARKING SPACES REQUIRED IN MU-TCD ZONE: SCHEDULE A

Use Classification	Spaces
Residential	
Studio	1 space per unit
one bedroom	1 space per unit
two bedrooms	2 spaces per unit
three or more bedrooms	2.5 spaces per unit
Guests	1 space per 10 units <u>1 space per 4 units</u>
Commercial	Per Chapter 231 or any subsequent applicable specific plan requirements
Public and Semi-Public	Per Chapter 231

~~(2) Compact and tandem spaces shall be allowed. For parking compliance purposes, compact spaces shall be counted as a full space and tandem spaces shall be counted as 1/2 of a space. Not more than 25% of a project's parking requirement shall be met by any combination of compact or tandem parking spaces.~~

~~(N)~~ Minimum Floor Area. Each dwelling unit in a multi-family mixed-use building and ~~attached single family dwellings~~ shall have the following minimum floor area of 450 square feet.

Unit Type	Minimum Area (Square Feet)
Studio	450
One bedroom	550
two bedrooms	800
three or more bedrooms	1,000

~~(OJ)~~ Open Space Requirements.

(1) The minimum open space area (private and common) for multi-family mixed-use residential projects in the MU-TCD District shall be 150 square feet per residential unit. For purposes of this subsection, open space shall mean an area which is designed and intended to be used for active or passive recreation. Open space may consist of private and/or common areas. Parking areas, access aisles, and driveways shall not qualify as usable open space. ~~Required front and side yards shall qualify as usable open space.~~

(2) Private Open Space.

- (a) Private open space shall be provided in courts or balconies within which a horizontal rectangle has no dimension less than 5 6 feet.
- (b) Each dwelling unit shall be provided a minimum of 60 square feet of private open space.
- (c) Private open space shall be contiguous to the unit and for the exclusive use of the occupants. Private open space shall not be accessible to any

dwelling unit except the unit it serves and shall be physically separated from common areas by a wall or hedge at least 42 inches in height.

(3) Common Open Space.

- (a) Common open space, provided by interior side yards, patios, courts, and terraces, shall be designed so that a ~~horizontal rectangle~~ has no dimension is less than 10 feet, shall be open to the sky, and shall not include driveways or parking areas.
- (b) Projects with more than 20 units shall include at least one amenity, such as a clubhouse, swimming pool, tennis court, volleyball court, outdoor cooking facility, or other recreation facility. Such common amenity spaces shall count toward the common open space requirement.

(~~PK~~) All habitable rooms in a dwelling unit shall ~~must~~ be accessible from within the dwelling.

(~~QL~~) Lighting. ~~A-Lighting system~~ shall be provided in all projects along all vehicular access ways and major walkways. Lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. A lighting plan shall be submitted for approval by the Director.

(~~RM~~) See ~~Section 230.44: Recycling Operations and~~ Section 230.88: Antennae.

(~~SN~~) ~~The provisions of Chapter 233, Signs, applicable to Commercial Districts shall apply in the TCD District. See Chapter 233, Signs—Commercial Districts, for applicable provisions related to signs in the commercial component of the MU-TCD District.~~

(~~TO~~) ~~Courts Opposite Windows in the TCD District. Courts shall be provided opposite a living room in all multi-family projects in the TCD District subject to the following requirements:~~

- (1) ~~Courts Opposite Walls on the Same Site: The minimum depth of a court shall be not less than 20 feet opposite a required window in a living room and 14 feet opposite a required window for any other habitable room.~~
- (2) ~~Court Open to Sky: Courts shall be open to the sky. Eaves may project a maximum 2 feet into a court on each side.~~

Building Separations in the MU-TCD District. Building separations shall be provided in all mixed-use projects in the MU-TCD District subject to the following requirements:

- (1) The minimum building separation shall be not less than 20 feet opposite a window in a living room and 14 feet opposite a window for any other habitable room.
- (2) The building separation shall be open to the sky. Eaves may project a maximum 2 feet into this area on each side.

- (P) Building Design Standards. Buildings in the MU-TCD District shall be built in accordance with the following requirements:
- (1) The maximum building length shall be 300 feet except as provided below. Building length is defined as the total length of a primary building mass lining a street.
 - (a) Allow a 20 foot inset of the building plan with pedestrian access to count as a break in the building length. If the inset varies by floor, then the average inset shall exceed 20 feet.
 - (2) The maximum block size shall be 2,400 feet. Block size is a measure of the total length of the street-fronting property lines along all block faces enclosed within the nearest surrounding publicly accessible streets.
- (Q) Private Storage Space. A minimum of 50 cubic feet of private storage space shall be provided for each residential dwelling unit outside such unit. Such private storage space shall be fully enclosed and lockable.

218.08 Modifications for Affordable Housing

The Planning Commission may approve a conditional use permit modifying the minimum property development standards in this chapter for affordable housing, as provided in Section 230.14. The proposed modifications shall be requested in writing by the applicant, accompanied by a detailed pro-forma, rental guidelines, deed restrictions, financial subsidies, and other types of documentation which will serve to demonstrate the need for a reduction of development standards. Modifications to the standards may include, but are not limited to, the parking requirements and open space. The specific standard(s) from which the applicant is requesting relief shall be identified and alternative development standard(s) proposed.

218.10 Affordable Housing Sustainable Development

- ~~(A) Projects in a TCD District containing residential units shall provide affordable units either as required in Section 230.26 or by complying with an Affordable Housing Agreement as approved by the Director.~~

Sustainable or "green" building practices shall be incorporated into the design of the proposed structures and associated site improvements. Sustainable building practices shall include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification or Build It Green's Green Building Guidelines and Rating Systems.

218.12**Review of Plans**

All applications for new construction, initial establishment of use, exterior alterations and additions shall be submitted to the Planning Department for review. Discretionary review shall be required as follows:

- (A) Zoning Administrator Review. Projects requiring a conditional use permit from the Zoning Administrator; projects on substandard lots; see Chapter 241.
- (B) Design Review Board. See Chapter 244.
- (C) Planning Commission. Projects requiring a conditional use permit from the Planning Commission; see Chapter 241.
- (D) Projects in the Coastal Zone. A Coastal Development Permit is required unless the project is exempt; see Chapter 245.

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING
THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE BY
ADDING CHAPTER 218, MIXED USE-TRANSIT CENTER DISTRICT
(ZONING TEXT AMENDMENT NO. 07-004)**

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 07-004, which adds Chapter 218, Mixed Use-Transit Center District, to the Huntington Beach Zoning and Subdivision Ordinance; and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan;

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Chapter 218 of the Huntington Beach Zoning and Subdivision Ordinance is hereby added to read as set forth in Exhibit A.

SECTION 2. This ordinance shall take effect thirty days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the ____ day of _____, 2008.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

ATTEST:

APPROVED AS TO FORM:

City Administrator

Director of Planning

Exhibit A: Draft Ordinance

ATTACHMENT NO. 3.1

EXHIBIT A

DRAFT ORDINANCE—ZTA NO. 07-004

(STAFF RECOMMENDATION)

Chapter 218 Mixed Use-Transit Center District

Sections:

218.02	Mixed Use-Transit Center District Established
218.04	MU-TCD District: Land Use Controls
218.06	MU-TCD District: Development Standards
218.08	Modifications for Affordable Housing
218.10	Sustainable Development
218.12	Review of Plans

218.02 Mixed Use-Transit Center District Established

The purpose of the Mixed Use-Transit Center District is to implement the General Plan Land Use Plan mixed-use land use designation. This district provides areas for high density residential and commercial uses within one-quarter mile of established transit centers as determined by the Planning Director. Transit centers, serving buses or other modes of transportation, are facilities where passengers transfer from one route to another. This district provides for pedestrian-friendly, transit oriented development in areas adjacent to existing transit infrastructure.

218.04 MU-TCD District: Land Use Controls

In the following schedules, letter designations are used as follows:

"P" designates use classifications permitted in MU-TCD district.

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

"ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to provisions following the schedule or located elsewhere in the Zoning Ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

MU-TCD DISTRICT: LAND USE CONTROLS	P=Permitted PC=Conditional Use Permit approved by Planning Commission ZA=Conditional Use Permit approved by Zoning Administrator
---	--

	Land Use Controls	Additional Provisions
Residential Uses		(A)(I)
Multi-family Residential	PC	
Public and Semipublic Uses		(A)
Clubs and Lodges	ZA	
Day Care, General	ZA	
Day Care, Large Family	P	(C)
Government Offices	P	
Public Safety Facilities	P	
Religious Assembly	ZA	
Schools, Public or Private	PC	
Commercial Uses		(A)(H)(I)
Artists' Studios	P	
Banks and Savings & Loans	P	
Catering Services	P	
Drug Stores/Pharmacy	P	
Eating and Drinking Establishments	P	
w/ Alcohol	ZA	(B)(C)
w/ Live Entertainment	ZA	
w/ Dancing	PC	(D)
w/ Outdoor Dining	ZA	(C)(E)
Food and Beverage Sales	P	
w/ Alcohol Beverage Sales	ZA	(B)
Office, Business and Professional	P	
Park and Recreational Facilities	P	
Parking	PC	(F)
Personal Enrichment Services	P	(C)
Personal Services	P	
Retail Sales	P	(G)
Visitor Accommodations	PC	

MU-TCD District: Additional Provisions

(A) – All projects in this District shall have both residential and non-residential components. At least 50 percent of the building fronting public streets at the ground level shall be non-residential uses. At least 50 percent of the project shall be residential uses.

(B) – The following businesses proposing to sell alcoholic beverages for on-site or off-site consumption are exempt from the conditional use permit process: (i) Retail markets with no more than 10 percent of the floor area devoted to sales, display and storage of alcoholic beverages provided the sale of alcoholic beverages is not in conjunction with the sale of gasoline or other motor vehicle fuel; (ii) Florist shops offering the sale of a bottle of an alcoholic beverage together with a floral arrangement.

(C) – Neighborhood notification requirements pursuant to Chapter 241.

(D) – See also Chapter 5.28: Dancing Halls and Chapter 5.44: Restaurants – Amusement and Entertainment Premises.

(E) – Outdoor dining with alcohol sales shall be permitted with a conditional use permit to the Zoning Administrator. Outdoor dining without alcohol sales that is 400 square feet or less shall be permitted with an administrative permit. If over 400 square feet with no alcohol sales, Neighborhood Notification shall be required pursuant to Chapter 241.

(F) – Stand-alone or other permanent parking structures not ancillary to the permitted uses listed above. Must demonstrate necessity of use and comply with the requirements in Section 231.18-G (Parking Structures).

(G) – See Section 230.94: Carts and Kiosks

(H) – Development of vacant land or additions of 10,000 square feet or more in building floor area; or additions equal to or greater than 50% of the existing building's floor area requires approval of a conditional use permit from the Zoning Administrator. The Planning Director may refer any proposed project to the Zoning Administrator if the proposed project has the potential to impact residents or tenants in the vicinity (e.g. increased noise, traffic).

(I) – Projects within 500 feet of a PS District see Chapter 244.

218.06 MU-TCD District: Property Development Standards

The following schedule prescribes development standards for MU-TCD zoning district designated on the zoning map. The first column establishes the basic requirements for permitted and conditional uses. Letters in parentheses in the "Additional Provisions" column refer to "Additional Development Standards" following the schedule.

The floor area ratio is calculated on the basis of net site area. All required setbacks shall be measured from ultimate right-of-way and in accordance with the definitions set forth in Chapter 203, Definitions.

Property Development Standards for MU-TCD District

	MU-TCD	Additional Requirements
Minimum Lot Area (sq. ft.)	43,560	
Minimum Lot Width (ft.)	100	
Minimum Setbacks		
Front (ft)	5	(A)(B)
Side (ft.)	10	(B)
Rear (ft.)	10	(B)
Maximum Height of Structures (ft.)	80	(C)
Maximum Wall Dimensions		(D)
Maximum Floor Area Ratio (FAR)	2.5	
Minimum Site Landscaping (%)	8	(E)(F)
Minimum Lot Area per Dwelling Unit (sq. ft.)	-	
Minimum Residential Floor Area		(I)
Maximum Lot Coverage (%)	75	
Minimum Open Space		(J)
Accessibility within Dwellings		(K)
Lighting		(L)
Fences and Walls		(G)
Off-Street Parking and Loading	See Chapter 231	(H)
Outdoor Facilities	See Section 230.74	
Screening of Mechanical Equipment	See Section 230.76	
Antenna	See Section 230.80	(M)
Accessory Structures	See Chapter 230.08	
Refuse Storage Areas	See Section 230.78	
Underground Utilities	See Chapter 17.64	
Performance Standards	See Section 230.82	
Nonconforming Structures	See Chapter 236	
Signs	See Chapter 233	(N)
Building Separations		(O)
Building Design Standards		(P)
Private Storage Space		(Q)

MU-TCD District: Additional Development Standards

- (A) Multiple street frontage lots shall provide front yards on each frontage.
- (B) Projections into Setbacks
 - (1) See Section 230.68: Building Projections into Yards.
 - (2) Balconies and bay windows may project into required setbacks and usable open space areas subject to Section 230.68, provided that balconies have open railings, glass, or architectural details with openings to reduce visible bulk.

Balconies composed solely of solid enclosures are not allowed to project into required setbacks.

- (3) Awnings, canopies, covered walkways, covered patios, and uncovered arcades with no programmed indoor space may project into required setbacks and usable open space areas provided that a minimum 5 ft. setback is maintained to the property line.

- (C) Height Requirements. See Section 230.70: Measurement of Height and Section 230.72: Exceptions to Height Limits. A minimum of two stories and a maximum of six stories shall be allowed.

- (D) Maximum Wall Dimensions. All building wall surfaces shall be no longer than 250 feet without either:

- (1) a break, a recess or offset measuring at least 10 feet that vary the depth of the building wall by a minimum of 4 feet, or
- (2) a series of offsets, projections or recesses, including balconies, at intervals of not more than 40 feet that vary the depth of the building wall by a minimum of 4 feet.

The Director may grant exceptions or allow these standards to be modified for exceptional or unique structures subject to Design Review, Chapter 244.

- (E) Planting Areas: With the exception of sidewalks, driveways, pathways and paved outdoor seating areas, required front and street side yards shall be planting areas.

- (F) Landscape Improvements

- (1) All landscape improvements shall comply with Chapter 232 unless otherwise provided herein.
- (2) General Tree Requirements. One 36-inch box tree shall be provided for every 45 lineal feet of street frontage planted within the setback areas adjacent to a street. In addition, there shall be one 36-inch box tree planted within the common open space areas for each ground or first level unit. Specimen palms may be substituted at a ratio of 1/2 foot brown trunk height for one inch of box tree inch required.

- (G) See Section 230.88: Fencing and Yards.

- (H) Off-Street Parking and Loading Provisions.

- (1) All off-street parking and loading provisions shall comply with Chapter 231 unless otherwise provided herein. Off-street parking spaces shall be provided in accordance with the following Schedule A:

OFF-STREET PARKING SPACES REQUIRED IN MU-TCD ZONE: SCHEDULE A

Use Classification	Spaces
Residential	
Studio	1 space per unit
one bedroom	1 space per unit
two bedrooms	2 spaces per unit
three or more bedrooms	2.5 spaces per unit
Guests	1 space per 4 units
Commercial	Per Chapter 231
Public and Semi-Public	Per Chapter 231

- (I) Minimum Floor Area. Each dwelling unit in a mixed-use building shall have the minimum floor area of 450 square feet.
- (J) Open Space Requirements.
- (1) The minimum open space area (private and common) for mixed-use projects in the MU-TCD District shall be 150 square feet per residential unit. For purposes of this subsection, open space shall mean an area which is designed and intended to be used for active or passive recreation. Open space may consist of private and/or common areas. Parking areas, access aisles, and driveways shall not qualify as usable open space.
- (2) Private Open Space.
- (a) Private open space shall be provided in courts or balconies within which a horizontal rectangle has no dimension less than 6 feet.
- (b) Each dwelling unit shall be provided a minimum of 60 square feet of private open space.
- (c) Private open space shall be contiguous to the unit and for the exclusive use of the occupants. Private open space shall not be accessible to any dwelling unit except the unit it serves and shall be physically separated from common areas by a wall or hedge at least 42 inches in height.
- (3) Common Open Space.
- (a) Common open space, provided by interior side yards, patios, courts, and terraces, shall be designed so that no dimension is less than 10 feet, shall be open to the sky, and shall not include driveways or parking areas.
- (b) Projects with more than 20 units shall include at least one amenity, such as a clubhouse, swimming pool, tennis court, volleyball court, outdoor cooking facility, or other recreation facility. Such common amenity spaces shall count toward the common open space requirement.
- (K) All habitable rooms in a dwelling unit shall be accessible from within the dwelling.
- (L) Lighting. Lighting shall be provided in all projects along all vehicular access ways and major walkways. Lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. A lighting plan shall be submitted for approval by the Director.

- (M) See Section 230.88: Antennae.
- (N) See Chapter 233, Signs—Commercial Districts, for applicable provisions related to signs in the commercial component of the MU-TCD District.
- (O) Building Separations. Building separations shall be provided in all mixed-use projects in the MU-TCD District subject to the following requirements:
- (1) The minimum building separation shall be not less than 20 feet opposite a window in a living room and 14 feet opposite a window for any other habitable room.
 - (2) The building separation shall be open to the sky. Eaves may project a maximum 2 feet into this area on each side.
- (P) Building Design Standards. Buildings in the MU-TCD District shall be built in accordance with the following requirements:
- (1) The maximum building length shall be 300 feet except as provided below. Building length is defined as the total length of a primary building mass lining a street.
 - (a) A 20 foot inset of the building plane with pedestrian access may count as a break in the building length. If the inset varies by floor, then the average inset shall exceed 20 feet.
 - (2) The maximum block size shall be 2,400 feet. Block size is a measure of the total length of the street-fronting property lines along all block faces enclosed within the nearest surrounding publicly accessible streets.
- (Q) Private Storage Space. A minimum of 50 cubic feet of private storage space shall be provided for each residential dwelling unit outside such unit. Such private storage space shall be fully enclosed and lockable.

218.08 Modifications for Affordable Housing

The Planning Commission may approve a conditional use permit modifying the minimum property development standards in this chapter for affordable housing, as provided in Section 230.14. The proposed modifications shall be requested in writing by the applicant, accompanied by a detailed pro-forma, rental guidelines, deed restrictions, financial subsidies, and other types of documentation which will serve to demonstrate the need for a reduction of development standards. Modifications to the standards may include, but are not limited to, the parking requirements and open space. The specific standard(s) from which the applicant is requesting relief shall be identified and alternative development standard(s) proposed.

218.10 Sustainable Development

Sustainable or “green” building practices shall be incorporated into the design of the proposed structures and associated site improvements. Sustainable building practices shall include (but are not limited to) those recommended by the U.S. Green Building Council’s Leadership in

Energy and Environmental Design (LEED) Program certification or Build It Green's Green Building Guidelines and Rating Systems.

218.12 Review of Plans

All applications for new construction, initial establishment of use, exterior alterations and additions shall be submitted to the Planning Department for review. Discretionary review shall be required as follows:

- (A) Zoning Administrator Review. Projects requiring a conditional use permit from the Zoning Administrator; projects on substandard lots; see Chapter 241.
- (B) Design Review Board. See Chapter 244.
- (C) Planning Commission. Projects requiring a conditional use permit from the Planning Commission; see Chapter 241.
- (D) Projects in the Coastal Zone. A Coastal Development Permit is required unless the project is exempt; see Chapter 245.

COMPARISON--MIXED USE-TRANSIT CENTER DISTRICT, HBZSO, AND DRAFT BEACH-EDINGER SPECIFIC PLAN

ISSUE	EXISTING HBZSO	APPLICANT PROPOSED MU-TCD	STAFF RECOMMENDED MU-TCD	DRAFT BEACH-EDINGER SPECIFIC PLAN	THE RIPCURL PROJECT (PROPOSED)
permitted uses	residential, public and semipublic uses, a range of commercial uses	residential, limited public and semipublic uses, neighborhood commercial uses	residential, limited public and semipublic uses, neighborhood commercial uses	entertainment, retail, restaurant, multi-family uses	residential, retail
minimum lot area	10,000 sf (commercial); 6,000 sf (residential)	43,560 sf (1 acre)	43,560 sf (1 acre)	--	166,362 sf (3.8 acres)
width	100 ft (commercial); 60 ft (residential)	100 sf	100 ft	--	320 ft
maximum commercial density	1.5 FAR	3.0 FAR	2.5 FAR	--	2.23 FAR
maximum residential density	35 du/ac	130 du/ac	--	--	115 du/ac
maximum height	50 ft (commercial); 35 ft (residential)	76 ft	80 ft, min 2 stories & max 6 stories	min. 2 stories, max. 6 stories	72.5 ft, 6 stories
max bldg length	--	--	300 ft or if greater with minimum 20 ft inset	300 ft	327 ft with an average inset exceeding 20 ft
setbacks					
front	10 ft (commercial and residential)	5 ft	5 ft	0 min/ 15 ft max	18 ft
interior side	0 ft (commercial); 5 ft (residential)	5 ft, 10 ft if abut residential zones	10 ft	10 ft w/ living space windows, 0 ft w/o living space windows	24 ft
street side	10 ft (commercial and residential)	5 ft	--	0 min/ 15 ft max	15 ft
rear	0 ft (commercial); 10 ft (residential)	5 ft, 10 ft if abut residential zones	10 ft	10 ft	28 ft
min space between bldgs	10 ft (residential)	--	20 ft with living room windows, 14 ft with other habitable rooms	20 ft	40 ft
max block size	--	--	--	2,400 ft	1,929 ft

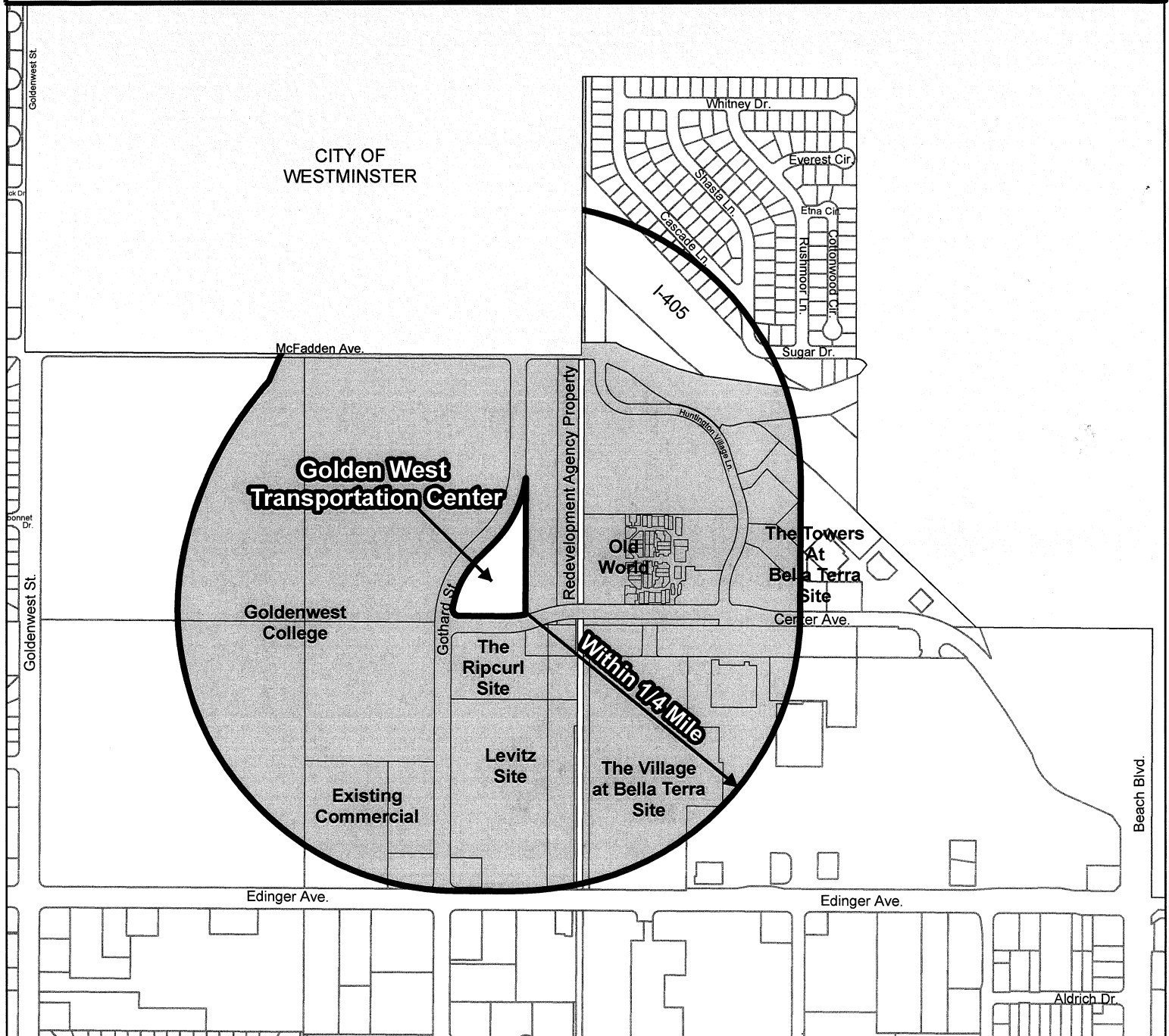
ATTACHMENT NO. 4.1

COMPARISON--MIXED USE-TRANSIT CENTER DISTRICT, HBZSO, AND DRAFT BEACH-EDINGER SPECIFIC PLAN

ISSUE	EXISTING HBZSO	APPLICANT PROPOSED MU-TCO	STAFF RECOMMENDED MU-TCO	DRAFT BEACH-EDINGER SPECIFIC PLAN	THE RIPCURL PROJECT (PROPOSED)
min floor area			450 sf		
studio	500 sf (residential)	450 sf		--	465 sf (average 541 sf)
1 br	650 sf (residential)	550 sf		--	536 sf (average 640 sf)
2 br	900 sf (residential)	800 sf		--	872 sf (average 1016 sf)
3+ br	1,100 sf (residential)	1,000 sf		--	N/A
minimum total open space (residential)	25% of residential floor area per unit	150 sf per unit; required front and side yards qualify as usable open space	150 sf per unit		137 sf per unit, (60,443 sf total)
common	min dim 10 ft	min dim 10 ft	min. dim 10 ft	100 sf/unit	87 sf per unit, 10' min. dim., (38,443 sf total)
private	60 sf (studio/1 br), 120 sf (2+ br)	min dim 5 ft	60 sf, min dim 6 ft	60 sf/unit	50 ft per unit, 4' 6" min. dim., (22,000 sf total)
landscaping	8% (commercial)	8% min.	8%		16%
parking and loading		compact & tandem allowed--compacts= full spaces, tandem spaces = 1/2 space; < 25% of requirement to be met by compact & tandem spaces	no compact or tandem allowed		705 spaces total; 518 standard spaces; 108 tandem spaces; 82 compact spaces
residential studio one bedroom two bedrooms three+ bedrooms guest parking nonresidential	1 per unit 1 per unit 2 per unit 2.5 per unit 0.5 per unit 1/200 sf (retail)	1 per unit 1 per unit 2 per unit 2.5 per unit 0.1 per unit 1/200 sf	1 per unit 1 per unit 2 per unit 2.5 per unit 0.25 per unit 1/200 sf	1 per unit 1 min, 1.5 max 1.5 min, 2 max 1.5 min, 2 max 0.1 min, 0.3 max varies based on specific uses	639 spaces (per applicant proposal) 66 spaces

ATTACHMENT NO. 4.2

PROPERTIES WITHIN ONE-QUARTER MILE RADIUS OF THE TRANSPORTATION CENTER AND ELIGIBLE TO USE PROPOSED ZONING STANDARDS WITHIN THE CITY OF HUNTINGTON BEACH



Eligible To Use Proposed Zoning Standards
Subject To A General Plan Amendment
And Zoning Map Amendment



City of Huntington Beach

September 16, 2008

SEP 16 2008

City of Huntington Beach, Planning Commissioner
2000 Main Street
Huntington Beach, CA 92648

RE: Applicant response to Staff's recommended changes for MU-TCD zoning text

Dear Chairman Livengood and members of the Planning Commission:

We appreciate the careful review that Planning Staff has given to the proposed Zoning Text Amendment that would establish a Mixed-Use Transit Center District ("MU-TCD"). The MU-TCD zone text would accommodate our proposed project, The Ripcurl Mixed Use Project. In its report, staff has recommended changes to our proposed zoning text, some of which have a substantial impact on the project's economics and/or design. Nevertheless, we agree with and will accommodate most of these, including:

- Meeting the full Affordable Housing requirements, pursuant to Section 230.26 of the zoning code.
- Changing guest parking requirements from 1 space per 10 units to 1 space per 4 units
- Increasing side and rear setbacks from 5 to 10 feet
- Increasing required private open space from 0 sf to 60 sf per unit
- Building 50 cubic feet of private storage space per unit (subject the clarification below)
- Implementing several design guidelines given by the city's Design Review Board in its meeting August 14, 2008.

A few recommendations made by staff will more problematic, however. We ask the Planning Commission specifically reconsider the following items, all of which will make a project that is better and/or more financeable:

Compact and Tandem Parking

Staff has recommended that compact and tandem parking not be allowed. We ask that Planning Commission and City Council allow compact and tandem parking for this site. We think that a minimal amount of compact and tandem parking results in an overall better garage design and is appropriate in a transit-oriented building. In addition, these parking strategies reduce the square footage needed for parking, and accordingly reduce impacts associated with the construction and operation of the parking facility. We ask that tandem and compact stalls be allowed for MU-TCD zones, subject to the following limitations:

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Tel: 949.733.2000 * Fax: 949.733.2005

ATTACHMENT NO. 6.1

- only on a limited basis, with not more than 15% compact and 10% tandem spaces;
- only in areas not accessible to the general public (i.e., behind controlled access gates);
- only if they are assigned to specific users/households;
- only if the tandem stalls are assigned to the same household; and
- only if tandem spaces are counted as half a space for compliance purposes.

Compact, tandem, and reduced ratio parking may not be appropriate for every project, but they are uniquely suitable in this location and for this type of transit-oriented use.

Private Storage Space

Staff has recommended that the zoning text provide a minimum of 50 cubic feet of private storage per unit. We agree that private storage is important and think that this amount of storage is reasonable. We ask, however, for the flexibility to provide that storage space in units of varying sizes – some larger and some smaller. Some households travel light, and some travel with more stuff. We will be better able to meet varying demand by offering storage units that differ in size.

Density

Staff may recommend a reduction in density from 440 units to 385 units. We ask the Planning Commission and City Council to approve 440 units. As set forth above, density is uniquely appropriate in this transit center location. The Ripcurl provides the City with an opportunity to encourage smart planning and site-appropriate density by approving a project that reflects those principles. In fact, if density is proposed for anywhere in the City, this may be the best location imaginable for it. The proposed 2.3 FAR is less than Downtown's 3.0 and an appropriate residential complement to Bella Terra's 1.75. A reduction in units means a reduction in profitability, and therefore a change in the financial feasibility of the entire venture. Especially in this challenging economic environment, we ask for the flexibility to build the project as designed, in order to optimize the opportunity to secure financing and deliver The Ripcurl as envisioned.

We sincerely appreciate all of the hard work and careful consideration staff has put in to this project, and thank you for your consideration of these requests.

Sincerely,



Andrew B. Nelson
On behalf of Applicant:
Amstar/Red Oak Huntington Beach, LLC